

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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RAY PELTIER,

Plaintiff,

v.

LEPAGE BAKERIES PARK STREET  
LLC, CK SALES CO., LLC, and  
FLOWERS FOOD, INC.,

Defendants.

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C.A. No. 1:24-CV-452

**ORDER**

Plaintiff Ray Peltier sued Lepage Bakeries Park Street LLC, CK Sales Co., LLC, and Flowers Foods, Inc., alleging that the Defendants misclassified him as an independent contractor in violation of Rhode Island and federal law. ECF No. 1. The Defendants moved to compel arbitration that this Court granted. ECF No. 15. Mr. Peltier now ask this Court to reconsider its Order or in the alternative to certify an interlocutory appeal under 28 U.S.C. § 1292(b).

The Court acknowledges that the original motion raised difficult issues that are not well settled, and that the final decision on arbitration of this Court was a close call. That said, after a re-review of the briefing, as well as the new case submitted holding otherwise, (*Porteous v. Flowers Foods, Inc., et al.*, No. 6:23-cv-01840-AA, 2025 WL 467583, \*1-\*8 (D. Or. Feb. 12, 2025)), the Court stands by its Order compelling arbitration but recognizes “there is substantial ground for difference of

opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. 1292(b).

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: Provided, however, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

*Id.*

Thus, the Court DENIES the Motion for Reconsideration (ECF No. 16) but certifies the Order (ECF No.15) for an immediate interlocutory appeal to the First Circuit.

IT IS SO ORDERED.

*s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
United States District Chief Judge

May 2, 2025